IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 3449 OF 2004

Mustafa Hussain .. Plaintiff

versus

M.K. Anand & Ors. .. Defendants

...

Ms.J.P. Thakker for the plaintiff.

CORAM : D.G. KARNIK,J.

DATED : 23rd February 2005.

P.C.:

1. In view of a technical defect, the learned counsel for the plaintiff seeks leave to withdraw the suit with liberty to file a fresh suit on the same cause of action. Since the defendant has not appeared, statement made by the learned counsel for the plaintiff that there is a technical defect in the suit, if accepted, the suit is accordingly allowed to be withdrawn with liberty to file a fresh suit on the same cause of action.

2. In view of the fact that the leave to file fresh suit is granted, there shall be no court fee refund. The original documents be returned to the plaintiff.

3. Certified copy is expedited.

D.G. qARNIK, J